



GP 1615
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Docket No. J&J-2047
TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Susan Niemiec et al
Serial No. : 09/939,885
Filed : August 27, 2001
Title : COMPOSITIONS FOR APPLICATION TO THE SKIN OR HAIR
Art Unit : 1615
Examiner : Gollamudi S. Kishore

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner of Patents, Washington, D.C. 20231 on

September 26, 2002

(Date of Deposit)

William E. McGowan

(Name of applicant, assignee, or Registered Representative)

(Signature)

September 26, 2002

(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO RESRICTION

Dear Sir:

In response to the Office Action of August 27, 2002 requesting restriction between Group I (claims 1-13) and Group II (claims 14-23), Applicants hereby provisionally elect Group I with traverse. M.P.E.P. § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are 1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown that there would be a serious burden if restriction were not required. Accordingly, Applicants respectfully request the restriction requirement be withdrawn, and all pending claims be examined. Applicants await an action on the merits.

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10-9-02

Serial No. 09/939,885

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By: 

William E. McGowan

Reg. No. 39,301

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Dated: September 26, 2002